OVERSIGHT OF THE OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND STATISTICS, U.S. DEPARTMENT OF JUSTICE

HEARING

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

FIRST SESSION

ON

OVERSIGHT OF THE OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND STATISTICS, U.S. DEPARTMENT OF JUSTICE

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[97th Congress]

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OVERSIGHT OF THE OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND STATISTICS, U.S. DEPARTMENT OF JUSTICE

WEDNESDAY, OCTOBER 28, 1981

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON JUVENILE JUSTICE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:05 a.m., in room 2228, Dirksen Senate Office Building, Hon. Arlen Specter (chairman of the subcommittee) presiding.

Present: Senator Specter.

Also present: Bruce A. Cohen, chief counsel; Mary Louise Westmoreland, counsel.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA, CHAIRMAN, SUBCOMMITTEE ON JUVENILE JUSTICE

Senator SPECTER. Good morning, ladies and gentlemen.

We will now begin this oversight hearing on OJARS, which is in line with the responsibility of the Juvenile Justice Subcommittee of the Committee on the Judiciary.

At the outset I want to say that the session today is complicated by the fact that there is a meeting of the Appropriations Committee which was scheduled after this hearing had been set. The Appropriations Committee is proceeding at its top speed to avoid the necessity for another continuing resolution when the one now in effect expires on November 20.

That full committee is considering a number of subcommittee reports, including the one which has the funding for OJARS. So it may be necessary for me to adjourn these hearings to participate in the Appropriations Committee hearings.

As you probably all know, the debate on AWACS is also taking place today, and it may be necessary, again, for me to interrupt when the scheduled time comes which is allocated for my own floor statement there.

Notwithstanding what I have just said, this is not, taken as a whole, very different from any other day in terms of Senate activities when there are so many conflicting demands. But I have thought it wise to proceed with this hearing as best we can because it represents a very important subject matter, which I think has to be addressed at this time in light of the developments in this field.

There have been a number of statements that have been made up to the present time, including statements by the Attorney Gen-

eral of the United States when he has testified about the hard choices which must be made on the Justice Department budget. While complimenting and noting the importance of the juvenile justice programs, the Department of Justice had zeroed out this item in light of what was considered to be those hard choices.

Notwithstanding that fact, the Senate and Congress reauthorized $77 million for the Office of Juvenile Justice and Delinquency Prevention. The House and Senate Appropriations Subcommittee have set this year's juvenile justice appropriations at $70 million, and that is an item which has yet to be considered, as I say, by the full Senate Appropriations Committee. So there has been that Senate statement in terms of what our view is regarding priorities and the importance of funding the juvenile justice program.

Just last Friday in this room, Attorney General Smith was present and responded to Senator Mathias' expression of concern for the juvenile justice program and said:

> As you know, the position of the Administration with respect to budget in this area did not have to do with whether the program was good or bad. It had to do with what level of government that should work on the problem.

I do not think that represents any judgment and we have not come to the effect that this program has not worked or should be abandoned.

The view of the Committee on the Judiciary is that the program is vital, is one of priority attention and ought to be funded, and in the action taken on the Senate floor, the program's budget authority was set at $77 million for fiscal year 1982. I am concerned that the Department has disagreed with the policy considerations which the Congress, the Senate, the Committee on the Judiciary, this subcommittee and this Senator have made and our judgments as to what is a priority in this field.

The approach of the Department of Justice to the juvenile justice program has included repeated references to a Health and Human Services block grant, but the staff has searched high and low through the Senate's block grant proposals without finding any reference to juvenile justice as an authorized activity at $100 million or at any figure. That is something which we will get into today as we proceed with the hearing.

In my judgment, the Office of Juvenile Justice and Delinquency Prevention has moved expeditiously to respond to the congressional concerns. This office has reprogrammed to the extent possible consistent with commitments already made and can this year, I believe, direct one-third of its resources toward serious and violent crime. In 10 months, and especially these volatile 10 months, that response, in my judgment, is to be commended.

The fact that the initial goals of the act—the deinstitutionalization of status offenders and nonoffenders and the separation of juveniles from adult offenders—are being met successfully is not reason to terminate the juvenile justice program, but really is an opportunity for States and local governments, remaining ever attentive to the fundamental goals of the act, to move on to focus more attention and resources on serious and violent juvenile offenders. They should not be abandoned by the Federal Government in the course of this essential effort.

I believe that the Office of Juvenile Justice and Delinquency Prevention is a model of the type of coordinated research, program development and evaluation recommended by the Attorney General's task force on violent crime.

Since implementation of Juvenile Justice and Delinquency Act programs began in earnest in 1976, the FBI's uniform crime reports show that crime has risen dramatically, but not among juveniles. Over the last annual period for which arrest records are available, comparing 1979 and 1980, arrests for those 18 and over rose almost 4 percent while arrests for juveniles fell 6 percent. Focusing on only the eight offenses included in the FBI's crime index—murder, rape, robbery, aggravated assault, burglary, theft, auto theft, arson—arrests of those 18 and over rose 6.3 percent while those of juveniles fell 6.1 percent. These are strong indicators that the juvenile crime prevention program is working and a solemn reminder of the possible costs of abandoning the coordinated efforts among Federal, State, and local governments.

The annual cost of juvenile crime and delinquency has been estimated at over $10 billion a year. To put it simply, we cannot afford to do less than we are now doing, and in my judgment, we have to do a great deal more.

We are pleased to have with us this morning Stanley Morris, Esq., Associate Deputy Attorney General of the U.S. Department of Justice.

We had requested the appearance of Deputy Attorney General Schmultz, who asked to be relieved of this request in light of his very heavy schedule. After discussing that with Mr. Schmultz, the subcommittee agreed that we would defer his appearance. We may call upon Mr. Schmultz formally to be present at subsequent hearings or we may be able to handle the questions which we have for Mr. Schmultz on an informal basis.

But we welcome you here this morning, Mr. Morris, and will be pleased to hear your testimony.

STATEMENT OF STANLEY MORRIS, ASSOCIATE DEPUTY ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE, ACCOMPANIED BY ROBERT F. DIEGELMAN, ACTING DIRECTOR, OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND STATISTICS, AND CHARLES A. LAUER, ACTING ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Mr. MORRIS. Thank you, Mr. Chairman.

I have with me this morning on my left Mr. Charles Lauer, who is the Acting Director of the Office of Juvenile Justice and Delinquency Prevention, and on my right Mr. Robert Diegelman the Acting Director of the Office of Justice Assistance, Research and Statistics.

I would like to briefly summarize my statement if that is all right with the committee.

Senator SPECTER. That would be preferable. Your full statement will appear in the record as is our custom.

Mr. MORRIS. Thank you very much.

Mr. Chairman, the Justice Department welcomes this opportunity to provide your subcommittee with an overview and status

report on the Justice System Improvement Act agencies. As you know, Mr. Chairman, the——

Senator SPECTER. I am sorry to interrupt you at the very start, but I have just been informed that the Appropriations Committee is now considering this precise area, so I must join that proceeding at this point and will return just as promptly as I can.

[Recess.]

Senator SPECTER. I regret the necessity to have kept you, ladies and gentlemen, this morning. The Appropriations Committee is still going on. We have finished Department of Justice mark-up and I think you will be interested to know that juvenile justice has been retained at the $70 million figure. [Applause.]

Senator SPECTER. Any demonstrations will have to be more exuberant than that——

[Laughter.]

Senator SPECTER [continuing.] Or they will not be permitted, in accordance with the rules that prohibit demonstrations.

As a matter of negotiations there was an effort to cut into some of the juvenile justice funding, and that was rebuffed by agreement. For the record, I made a motion to increase to $77 million the appropriation and it was narrowly defeated. But I think there is a strong sense of the Senate, at least the Appropriations Committee, to retain the funding at the $70 million level.

With those preliminary remarks, we return to your testimony.

Mr. MORRIS. There ought to be some quick repost that I can think of, but one does not jump to mind.

In the interest of time, I can briefly summarize this or we could just discuss questions, however you would like to proceed, Mr. Chairman.

Senator SPECTER. The principal question which is on my mind at the moment relates to the lack of spending for the juvenile justice program at the present time and the attendant dismantlement, dismemberment of the operation with no funding. People are leaving their jobs and the system simply cannot go on.

Mr. MORRIS. Well, we are awaiting congressional action. We have heard for some time that——

Senator SPECTER. What congressional action are you awaiting?

Mr. MORRIS. The appropriations bill which you are obviously moving expeditiously through the Senate.

Senator SPECTER. I could have kept you waiting longer, another day or two, in this room. This does not qualify for forced detention, however.

Mr. MORRIS. We have sufficient funds at this time to continue the administrative support for the JJ program. Obviously for our own purposes we would like very much to have an appropriation bill passed by the Senate and hopefully approved by the President so that we do not need a continuing resolution beyond the 20th of November.

This is a difficult time to plan intelligently. We would not under the best of circumstances organize ourselves to run an important program——

Senator SPECTER. Of course the essence of it is, I understand, that the Jusice Department, the Attorney General, the Deputy Attorney General, you have established the policy that you would prefer to

zero out this phase of activity and you would prefer to use the money for other projects. All right. I understand that is your position.

Now, if and when the Senate says to you or the Congress says to you there are these funds, $70 million, which we consider important to be directed to these objectives because juvenile crime is so important, what is the Justice Department going to do at that stage?

Mr. MORRIS. At the stage when we have an appropriation bill, we will carry out the program as responsibly and efficiently as we can.

Senator SPECTER. Even on a continuing resolution you have a direction, do you not, to carry out the juvenile justice program?

Mr. MORRIS. Yes; that is correct.

Senator SPECTER. So why are you not doing it?

Mr. MORRIS. Well, we have requested from OMB $9 million to run the program in the period under which we are operating.

Senator SPECTER. And what is the resolution?

Mr. MORRIS. It is my understanding, and I have understood this for some time, that their intention is to send up a deferral.

Senator SPECTER. Where is the deferral?

Mr. MORRIS. I do not know.

Senator SPECTER. Well, I think it is encumbent upon the administration to either fund the program in accordance with law or to send the deferral request so that we may act on it. My understanding is that absent action on the deferral request, you have an obligation. The burden is on the administration, Justice, and OMB to get it changed if in fact you can get it changed, and if you cannot, then you have an obligation to continue the programs.

But what is happening, as I understand it, and we have some witnesses here today and perhaps we ought to turn in that direction at the moment as to what is happening to these programs because of the lack of spending, the patient may be dead before the oxygen arrives, and that just is not right or fair.

If my views are overruled about the importance of juvenile justice, then so be it. That is up to the Congress to say. But as of the moment, there is the obligation to have the funding go forward. That is really the essential question that I think we face, Mr. Morris, and that is the essential question that I have for Mr. Smultz and for Attorney General Smith.

There is a swearing in ceremony this afternoon which will give me an occasion to raise the question under oath, so we will have a chance to get an answer there.

What about the issue of the block grant, one other thing? Is there a block grant in the Health and Human Services line or is there not? Is someone making a representation that there is? Is my staff unable to read?

Mr. MORRIS. Well, what has happened in the process here is that in the March budget we recommended zero for this program, and at that time we worked out with the Department of Health and Human Services a provision, as I understand it, that would allow funds from that block grant to go to serve the purposes of this particular act.

Senator SPECTER. I am sorry, I did not follow that, Mr. Morris.

Mr. MORRIS. We had negotiations and worked with the Department of Health and Human Services so that there would be authority in the block grant, in the social services block grant, for the States to spend money for the purposes under this act. In the negotiation process, as I understand it, of which the Department of Justice was not involved, it was agreed that we would accept $50 million for this particular program, at which time I believe that the Congress took that language out.

We then came up to you in September, returning from $50 million back to zero, and I think you are correct that the block grant no longer has language in it.

Senator SPECTER. Let me just say for the record that we have requested somebody from OMB, either Mr. Stockman or Mr. Harper, appear at these hearings and they have not been able to be with us. We will be communicating with them directly in very much the same vein.

But there is an obligation to continue the funding, and if there is some intention to raise the issue via the submission of deferrals, so be it, let us see the submission. But until that occurs, the law ought to be obeyed under a good law and order approach.

Mr. MORRIS. I tried to get an answer to that yesterday, because I had a suspicion you might ask us that question.

Senator SPECTER. Since that is the only question involved.

Mr. MORRIS. I suspect you will be more fortunate than I in getting an answer.

Senator SPECTER. All right. We are going to submit certain questions to you, Mr. Morris, some that have been submitted by Senator Dole, and we would like your written responses to them.

[The prepared statement of Mr. Morris and written questions from Senators Specter and Dole with responses follow:]

— PREPARED STATEMENT OF STANLEY MORRIS

Mr. Chairman, the Department welcomes this opportunity to provide the Subcommittee with an overview and status report on the Justice System Improvement Act (JSIA) agencies.

As a prelude to a discussion of the status and future of these units, it may be useful to briefly sketch, for the record and the uninitiated, the rather complex set of events that brought them to their present condition. As you know, Mr. Chairman, the Omnibus Crime Control and Safe Streets Act of 1968 established the Law Enforcement Assistance Administration and, with it, the first Federal block grant program providing funds to state and local units of government. LEAA was initially designed to focus on four basic objectives: the development of state comprehensive planning for criminal justice improvements; the provision of technical and financial assistance to improve and strengthen law enforcement and criminal justice; research and development projects to improve criminal justice operations; and to develop and transfer new techniques and methods to reduce crime and to detect, apprehend, and rehabilitate criminals.

In 1970, Congress extended the LEAA authorization and added a new "Part E" to the basic legislation providing for block and discretionary grants exclusively for corrections-related programs.

The Crime Control Act of 1973 further amended the 1968 Act and extended the LEAA program for another three years. In the process, numerous administrative requirements were added to the program, leading to an increased red-tape burden on state and local governments.

The following year, Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974. This legislation established a separate juvenile justice program to be administered by LEAA. It provided formula and discretionary grants to state and local governments and private non-profit organizations. The primary focus of the program as mandated by the legislation is the deinstitutionalization of

status offenders and separation of juveniles from adult offenders. The Act also established a National Institute for Juvenile Justice and Delinquency Prevention.

The next year, 1975, LEAA appropriations reached their highest level - $895 million - and dropped precipitously from that time until the present.

In 1976, Congress enacted the Public Safety Officers' Benefits Act, which authorizes LEAA to provide payments of $50,000 to the survivors of public safety officers killed in the line of duty. That same year - 1976 - the LEAA authorization was again extended for three years by the Crime Control Act of 1976 and, again, numerous administrative requirements were written into the legislation adding further to the red tape burden on state and local governments.

The current authorizing legislation came next with the enactment of the Justice System Improvement Act of 1979, signed by former President Carter in late December of 1979. This legislation separated LEAA into four distinct agencies: the Office of Justice Assistance, Research, and Statistics (OJARS); the National Institute of Justice (NIJ); the Bureau of Justice Statistics (BJS); and LEAA. Each was to be headed by a Presidentially appointed administrator. In addition, the Office of Juvenile Justice and Delinquency Prevention, which remained within LEAA, was also headed by an administrator appointed by the Presidemt.

Three months after this Act was signed into law, the former Administration proposed to phase-out LEAA and requested no FY 1981 appropriation for state and local criminal justice. Congress endorsed the phaseout by appropriating no FY 1981 funds for LEAA. Funds were requested and appropriated for NIJ, BJS and OJJDP - totaling $146 million.

Subsequently, Congress enacted the Juvenile Justice Amendments of 1980 which extended the OJJDP authorization for four years and removed OJJDP from within LEAA.

As you know, Mr. Chairman, LEAA has been gearing down for more than a year now, with only administrative funds to provide the staff necessary to close out the previously funded programs and assure an orderly phaseout. The Administration's budget request for FY 1982 seeks funds to continue the phaseout and also reflects the decision to eliminate funding for OJJDP. We are currently awaiting action by the Senate Appropriations Committee on the FY 1982 funding legislation.

The budget request for the Department of Justice submitted to Congress by President Reagan in March of this year called for substantial reductions in the funding requested by the prior Administration. That budget submission included the proposal to phase out the funding for the Office of Juvenile Justice and Delinquency Prevention. Clearly, this proposal was advanced as part of the President's commitment to major reductions in Federal spending. I would emphasize, however, that the proposal also reflected some important policy considerations.

The Juvenile Justice and Delinquency Prevention Act, to a major extent, focuses on aspects of juvenile justice other than violent criminal acts -- the so-called "street crime" that is of such great concern to the American public. Instead, the thrust of the Act is to achieve the deinstitutionalization of status offenders, the separation of juveniles from adults in correctional institutions, and the provision of alternatives to the traditional systems for processing youthful lawbreakers. The Act also authorizes support for programs dealing with drug and alcohol abuse, school violence and vandalism, and chronic, repeat juvenile offenders.

An examination of the history of OJJDP showed that significant improvements had been made in state and local juvenile justice systems. For example, 41 of the participating States have achieved substantial compliance with the separation requirement and 46 are virtually in compliance with the statutory objective of deinstitutionalization of status offenders. In addition, a majority of States now have on their books either similar statutory requirements for deinstitutionalization or a policy that basically requires the same.

The Federal impetus behind state and local governments to improve the quality of juvenile justice has achieved results. We believe that the progress made by states and localities to upgrade their juvenile justice systems is evidence of a capacity and commitment to continue improvement despite the absence of Federal funds. It is the Administration's firm belief, moreover, that governors and mayors should be given the flexibility to direct available funds toward the areas of greatest state and local need. A $100 million formula and categorical grant program does not meet the Administration's test for an essential Federal program in a period of fiscal austerity. Consequently, the President proposed to include juvenile justice improvement activities in an HHS block grant.

The Administration continues to hold the view that the states and localities can continue their progress in juvenile justice system improvement and that the overriding importance of strengthening the Nation's economy demands reductions in Federal spending wherever possible.

The Department is fully cognizant of the widespread impact on personnel and programs at all levels of government that will result from the phaseout of LEAA and OJJDP. Several steps have already been taken and additional plans are in various stages of development. The Department and OJARS' efforts are directed toward three broad areas of concern: to minimize the impact of phaseout on the personal lives and professional careers of the affected Federal employees in the JSIA units; to provide to state and local criminal justice planning agencies the maximum resources available to assist them in the orderly termination of their stewardship over the LEAA program; and, to assure the full accountability for the Federal grant funds awarded, but not yet expended, at the local level of government.

The termination of multi-year grant programs is staggeringly complex and imposes a substantial workload at both the Federal and state levels. Approximately $500 million of Federal funds is involved. The jobs of some 30,000 State or local employees working on programs in every State and major unit of local government

will ultimately be affected by these decisions. More than 300 Department of Justice employees are directly affected by the decisions being made.

Fundamental to an understanding of the phaseout problems confronting OJARS and the JSIA units is an understanding of the three-year funding cycle under which the formula grant programs operate. Simply stated, funds are available for obligation and expenditure within a three-year period of award. This three-year cycle was designed to accommodate State planning needs and enable long term projects to be supported. However, the cycle also means that Federal close-out responsibilites extend well into FY 1983 for the criminal justice program, and into 1984 for juvenile justice.

During FY 1982 and 1983, OJARS is required to administer, account for and close out hundreds of planning, block and formula grants. It must be noted, however, that a formula grant to a State is counted as one grant, but it generates hundreds of subgrants within an individual State. Consequently, there are thousands of individual subgrant projects currently active at the State and local levels which require oversight and closeout. Grants must be monitored, reports filed, records maintained, equipment disposed of, and audits conducted. Compliance must be assured with some 35 Federal laws, regulations and OMB circulars governing the administration of grant funds.

JSIA Organization and Personnel

When the previous Administration began the phaseout of LEAA, the JSIA units employed more than 500 people. Aggressive outplacement efforts pursued by OJARS coupled with normal attrition through resignation and retirement have brought the number of employees down by more than 200, to 315 permanent full-time employees. Nevertheless, it has been necessary for the Acting Director of OJARS to notify JSIA personnel of the necessity for a Reduction-In-Force (RIF) early next calendar year. It is expected that the RIF will result in the elimination of approximately 60 positions in LEAA and OJARS. If Congress concurs in the

proposed phaseout of OJJDP this Fiscal Year, a reduction of 50 or 60 more positions in the JSIA units will be necessary. We expect these reductions in personnel to be accompanied by a major internal reorganization to assure both the retention of the skill-mix and the efficient management necessary for the responsible closeout of program activities. And, concurrent with the wind-down of these JSIA units, we must provide for continuation of the research and statistics functions of NIJ and BJS.

State/Local Closeout

State Criminal Justice Councils (CJCs) provide the programmatic and financial management of the criminal and juvenile justice formula grants to the States. The States also administer many categorical and Special Emphasis grants. The CJCs have the principal administrative responsibility for assuring proper use of these Federal funds.

In phasing out responsibly, the States must assure that Federal grant-in-aid requirements are met. They must provide financial monitoring, accounting and reporting; maintain and retain records; close-out subgrants; dispose of property and equipment; and conduct audits and assure compliance with OMB audit requirements.

OJARS recognized that sound management and accountability for the Federal funds throughout the phaseout period is contingent upon the States continuing to provide administrative services, either through the CJCs or through some other designated agency. A plan was developed in close coordination with the National Criminal Justice Association which provided for the reprogramming of reverted formula grant funds to support State administrative functions. In addition, the States were permitted to reprogram unexpended action monies to maintain CJC operations. However, in order to qualify for this Federal support, the States were required to meet specific conditions assuring an orderly phaseout no later than March 31, 1983. The conditions included: provision of fiscal monitoring, accounting and reporting;

grant closeout processing, auditing and audit monitoring; disposition of equipment acquired with Federal grant funds; and, continued operation with the absolute minimum number of personnel and amount of funds necessary to support the required administrative activities.

The reverted funds distributed to the States to support the CJC closeout activities totaled $20 million in fiscal year 1981 and $14 million in FY 1982.

In many instances, local and regional criminal justice planning units exercise grants management and financial management functions and, in the past, were supported by LEAA planning funds. Under the redistribution of funds I just described, the States were required to assure that such local entities received an adequate share to permit their continued operation. For the most part, however, local planning units are being phased out. During the past twelve months, almost half of the 473 regional and local criminal justice planning units closed their doors. Of the remaining 246, only 100 are expected to survive beyond the end of this fiscal year, and will rely solely on city and county revenues to cover the costs of their planning activities.

Looking Ahead

As I noted earlier, the Department and the JSIA units are accountable for LEAA funds until March 1983, and for OJJDP funds until March of 1984. We intend to develop proposals for reorganizing the JSIA structure to reflect the new budget realities and we will be consulting the appropriate committees of Congress as these plans develop. The reorganization options will require the balancing of several, sometimes competing, demands for increasingly limited JSIA resources. The significant remaining grant workload requires an OJARS/LEAA/OJJDP structure that can carry out the administrative tasks necessary to responsibly phase down.

However, these duties will diminish over time. At some point, only a small, residual capability would be required to handle final close out of the programs and there may then no longer be a need for OJARS, LEAA or OJJDP as distinct

organizational entities. In the coming weeks, the Department will be addressing those issues and we look forward to working with the Subcommittee on a responsible approach to this complex and significant task.

The Department has already submitted to Congress four amendments to the LEAA authorizing legislation that would facilitate the Federal and State efforts to terminate their program functions in an orderly manner. One amendment would relieve LEAA and the States of the extensive and costly reporting requirements mandated by Section 816 of the Justice System Improvement Act of 1979. The maintenance of the system for collection, computerization and storage of subgrant data necessary for the preparation of these reports costs an estimated $250,000 per year. Moreover, because LEAA has had no program funds since FY 1980, the data is of little, if any, value.

The second proposed amendment would permit the transfer to state governments of the title to property purchased with LEAA funds, if they certify that the property will be used for criminal justice purposes. This amendment would avoid two less desirable results possible under OMB Circulars A-102 and A-110. That is: (1) continued use by the grantee for non-criminal justice purposes; or (2) return of the property or its cash value to LEAA.

The third and fourth amendments forwarded to Congress would significantly encourage the successful "Prison Industry Enhancement Program" fostered under Section 827 of the Act. In order to induce prison and private industry participation in the program, the 1979 Act offered an exemption from two Federal statutory restrictions on the sale and transportation of prison-made goods. Our two proposed amendments would further reduce barriers to the gainful employment of prison inmates and to the distribution of prison-made goods.

The Department hopes that these amendments will receive prompt and favorable consideration by the Congress as helpful steps in the orderly termination of the LEAA program.

Questions for the Department of Justice by Senator Specter

DEFERRAL OF BUDGET AUTHORITY

QUESTIONS

1. What budget authority for OJARS, OJJDP, BJS, NIJ, and LEAA has been "deferred" in fiscal year 1982?
2. By what authority is spending being "deferred"?
3. Is "deferral" of all budget authority for a program or office not a de facto rescission?
4. Has the Department of Justice assured itself that restraining OJJDP spending in fiscal year 1982 by deferring budget authority will not adversely affect the juvenile justice program, its grant recipients and program beneficiaries? If so, how has the Department of Justice assured itself and what is the factual basis on which the Department of Justice concludes that deffering OJJDP budget authority will not result in adverse impact on the program?
5. Will the Department of Justice continue to defer OJJDP budget authority if a second continuing resolution is required following the expiration of H.J. Res. 325 on November 20, 1981?
6. No special message proposing the deferral of budget authority in the juvenile justice program was transmitted to the Senate in October. Please explain whether or not the deferral of budget authority without transmitting a special message proposing a deferral violates section 1013 of the Impoundment Control Act of 1974.

RESPONSE

Questions 1, 2, 3, 5, and 6

Deferral No. D82-193 recently submitted to Congress proposes the deferral of $10,729,000 from the budget authority of the Office of Justice Assistance, Research, and Statistics. Of that amount, $9,800,000 is associated with OJJDP, $560,000 affects the Treatment Alternatives to Street Crime Program of LEAA, and $369,000 relates to the Public Safety Officers' Benefits Program. The deferral notice was submitted pursuant to Section 1013 of Public Law 93-344.

The deferral notice indicates that the deferral will remain in effect "until final congressional action on the President's request is completed, but not beyond the expiration of the Continuing Resolution or any extensions thereof."

Distribution of Juvenile Justice Formula Grant awards, which comprise the majority of the deferred resources, can proceed in a timely fashion once final appropriations action has been completed.

Question 4

OJJDP conducted a telephone survey of the 51 States and territories participating in the formula grants program and found the following:

Because of differences in scheduling of awards to States for Subgrant projects, 31 of the States do not have a significant need for continuation funding during the first quarter of fiscal year 1982. Nineteen of the States had projects which were in need of continuation funding by November 20. This would have covered 130 projects and required approximately $1.9 million. The 19 States also reported that they would require approximately $3 million for continuation projects by December 31. In addition 13 States reported that they would need approximately $450,000 by November 20 for planning and administration.

New and continuation awards under the OJJDP discretionary grant program which were planned for early fiscal year 1982 will be delayed.

OJARS has sufficient funds to continue the operations of the Office of Juvenile Justice. Consequently, no direct impact on the OJJDP staff is expected.

REDUCTIONS IN FORCE AND INTERNAL ORGANIZATION

QUESTIONS

1. What reductions in force are being made within OJARS, LEAA, BJS, NIJ, and OJJDP?
2. Are the reductions designed in accordance with the budget authority provided by the Omnibus Reconciliation Act of 1981?
3. Will the Department of Justice seek to reorganize OJARS And its component parts if the funding provided for them in the Senate Committee on Appropriations' mark-up on October 28, 1981, is enacted?

RESPONSE

Question 1, 2, 3

As I reported in my prepared testimony to the Subcommittee on October 28, the Acting Director of OJARS has notified JSIA personnel of the necessity for a Reduction-In-Force early in the next calendar year. It is expected that the RIF will result in the elimination of approximately 60 positions. OJARS is currently engaged in the development of the required RIF Plan and a companion internal reorganization plan designed to assure both the retention of the skill-mix and the management capacity necessary for the responsible closeout of LEAA program activities.

The anticipated personnel reduction is necessary as a result of funding decisions reflected in the fiscal year 1981 appropriation for OJARS and LEAA which anticipated the phaseout of LEAA and its programs. The personnel reductions reflect the budget authority provided by the Omnibus Reconciliation Act of 1981 as well as the appropriations actions taken in calendar year 1980.

NOMINATION OF AN ASSISTANT ATTORNEY GENERAL FOR OJARS

QUESTIONS

1. On September 21, 1981, the Committee on the Judiciary of the United States Senate received a nomination for an "Assistant Attorney General vice a new position created by Public Law 95-598 approved November 6, 1978." What will the responsibilities of this new Assistant Attorney General be?
2. By what authority are the responsibilities to be assigned the new Assistant Attorney General varied from those intended by Congress in the enactment of Public Law 95-598?
3. How will the new Assistant Attorney General's authority and responsibilities affect those of the Director of the Office of Justice Assistance, Research and Statistics?
4. How will the new Assistant Attorney General's authority and responsibilities affect those of the Administrator of the Law Enforcement Assistance Administration?
5. How will the new Assistant Attorney General's authority and responsibilities affect those of the Director of the Bureau of Justice Statistics?
6. How will the new Assistant Attorney General's authority and responsibilities affect those of the Director of the National Institute of Justice?
7. How will the new Assistant Attorney General's authority and responsibilities affect those of the Administrator of the Office of Juvenile Justice and Delinquency Prevention?
8. How will the new Assistant Attorney General's authority and responsibilities affect those of the Assistant Attorney General heading the Office of Legal Policy?

RESPONSE

Question 1

The Assistant Attorney General for Research, Statistics and Special Projects will represent the Department's interests to the nation's research and university communities, provide a single point of contact within the Department on policy matters pertaining to justice research and statistics, coordinate and serve as a spokesperson for the interests of research and statistics within the highest levels of the Department, and engage in special projects as assigned by the Attorney General.

Question 2

The previous Administration sought the authority to establish an additional Assistant Attorney General position in 1978, contemplating assignment to the new position authority for implementation of the concurrently enacted Bankruptcy Reform Act.

As you know, the previous Administration did not take any action to fill the position created by Public Law 95-598 and the post has remained vacant until the present. In the intervening year, fiscal realities and shifts in Department of Justice emphasis have led to the decision that the position should be filled and assigned the broad responsibility for coordination of justice research and the other functions described above. The language of Public Law 95-598 does not reflect any limitation on the functions of the position created therein.

Questions 3, 4, 5, 6, 7

The Assistant Attorney General's authority and responsibilities do not in any way alter the statutory authority vested in the heads of OJARS, LEAA, NIJ, BJS, or

OJJDP. The heads of those units will continue to exercise the responsibility for day-to-day program and grant-making activities. The Assistant Attorney General will exercise on behalf of the Attorney General the "general authority" specified by statute over LEAA, NIJ, BJS, and OJJDP, and the "general authority and policy control" of OJARS conferred by the Justice System Improvement Act.

Question 8

The role of the Office of Legal Policy is quite broad in matters of planning and policy development for the Department. However, its advisory functions with respect to the JSIA agencies are quite different from the exercise of "general authority" that will be assigned to the Assistant Attorney General. Nevertheless, the Attorney General's Order establishing the new office will also modify the directive which defines the role of OLP concerning research and the JSIA units.

PROSPECTS FOR RENEWED FEDERAL ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT

QUESTIONS

1. Does the Department of Justice adopt recommendation 53 of the Attorney General's Task Force on Violent Crime, which recommends that the Attorney General insure adequate resources are made available to implement law enforcement programs of proven effectiveness at the state and local level? If so, how does the Department of Justice define "adequate resources" for fiscal years 1982, 1983, and 1984?

2. The Attorney General said in his October 22, 1981, speech to the National Press Club that among the four basic goals of the Administration's crime fighting package is "direct federal assistance to state and local efforts." What specific proposals did he have in mind?

RESPONSE

Question 1

The Department's budget request for fiscal year 1982 reflects a continuing interest in activities supporting research, development, demonstration, and evaluation of methods to prevent and reduce crime. Fiscal realities demand, however, that the Department concentrate the majority of available resources toward the achievement of its primary mission, the enforcement of Federal laws. Nevertheless, the Attorney General has assigned a high priority to Department efforts to assist state and local criminal justice in fulfilling their primary responsibility to address the problem of crime.

In addition to the $70 million proposed by the House and the Senate Appropriations Committee for OJJDP, the Department has requested approximately $35 million for research, statistics and demonstration programs in fiscal year 1982. No final decisions have been made regarding proposed funding levels for subsequent years.

Question 2

In his October 22 speech and in subsequent testimony before Senate and House subcommittees, Attorney General Smith discussed various elements of his proposal to assist state and local efforts to fight crime. They include:

Requiring all U.S. Attorneys to establish Law Enforcement Coordinating Committees which will, among other things, identify the community's most important crime problem upon which Federal resources can have an impact. Subsequently, Federal resources will be allocated in such a way as to achieve the maximum impact on the most serious crime problems facing the community.

Expansion of the Federal concurrent jurisdiction over violent crime or conduct directly related to violent crime, in order to relieve, where appropriate, a portion of the burden otherwise borne by state and local enforcement officials.

Establishment of the Clearinghouse in the U.S. Bureau of Prisons to facilitate the transfer to states and localities of surplus Federal facilities that could be used as short-term means of easing the crowded condition of state and local corrections facilities.

Establishment of a National Corrections Academy to improve the training available to state and local corrections officers.

Giving emphasis through the Bureau of Prisons to housing in Federal facilities those state prisoners who represent the greatest burdens upon state facilities.

In addition to the above, there are numerous ongoing activities within the various units of the Department which constitute direct assistance to state and local criminal justice efforts.

We continue to believe, however, that funding for improvements in state and local criminal justice systems is principally the responsibility of state and local government.

QUESTIONS FOR DOJ REPRESENTATIVES BY SENATOR BOB DOLE

1. By statute, the Attorney General has only "general authority and policy control" over the four agencies which currently comprise the OJARS complex. This statutory requirement merely reflects a congressional intent to prevent the Attorney General from being in a position to dominate State and local law enforcement and, also, to remove the Attorney General from the political pressures sometimes incident to the grant-making process. Now you propose to appoint a new Assistant Attorney General with direct and specific responsibility to oversee the work of the grant-making agencies. Will the relative autonomy of the grant-making process be preserved, as the congress intended, given such an appointment?

2. There is already a position for a director of the OJARS complex and, in addition, it is my understanding that another Assistant Attorney General, Jonathan Rose, has responsibility for providing policy advice to OJARS. In light of the fact that the Attorney General is essentially to play only a general policymaking role over OJARS operations, and the fact that there are already several management levels in the superstructure, what exactly do you contemplate that the new Assistant Attorney General will be doing, In light of the current size of the OJARS programs, it seems to me that you would be eliminating management levels, not adding them.

RESPONSE

Question 1

The Justice System Improvement Act of 1979 placed the NIJ, BJS and LEAA under the "general authority" of the Attorney General, while OJARS is under the Attorney General's "general authority and policy control." The Juvenile Justice and Delinquency Prevention Act of 1980 placed OJJDP under the "general authority" of the Attorney General. The responsibility for day-to-day program management activities and grant-making authority is vested by statute in the heads of the individual units.

The new Assistant Attorney General will not engage in the grant-making process but will exercise, on behalf of the Attorney General, the general authority specified by statute. Moreover, the Assistant Attorney General will provide a single point of contact between the JSIA units and the Attorney General for the resolution of major policy issues involving the Department, serve as a spokesperson for the interests of research, statistics and state/local assistance within the highest levels of the Department, and will function as a coordinator on matters of mutual interest to the JSIA units and the various divisions of the Department.

Question 2

The Office of Justice Assistance, Research, and Statistics is essentially the staff support and coordination unit for that group of agencies created by the Justice System Improvement Act and the Juvenile Justice and Delinquency Prevention Act. OJARS provides the essential day-to-day support functions such as accounting and fiscal management, office equipment and supplies, the personnel office, congressional relations and public information, budget development, equal employment opportunity and civil rights compliance monitoring, and similar basic services for all of the units.

The Assistant Attorney General will have a much broader mandate and will function as a facilitator, not as an additional management level. Enjoying the prestige of Presidential appointment and the role of an advisor to the Attorney General, she will represent the Department's interests to the research and university communities and can perform an essential function in interpreting the needs of policy makers to the research community and vice versa. Moreover, the Assistant Attorney General will take the lead in assuring the timely flow of research related information between all seven of the Department units engaged in research to help avoid costly duplication and to promote the full utilization within the Department of research findings by any and all of the divisions and bureaus.

The role of the Office of Legal Policy is quite broad in matters of planning and policy development for the Department. Its advisory functions with respect to the

JSIA agencies, however, are quite different from the exercise of the "general authority" that will be assigned to the Assistant Attorney General. Nevertheless, the Attorney General's Order establishing the new office will also modify the directive which defines the role of OLP concerning research and the JSIA units.

Senator SPECTER. Let me call at this time Mr. Robbie Callaway, Dr. William Christian, Ms. Deidre Dodge, and Mr. Robert Griesgraber.

Mr. Griesgraber, welcome to the session today. We would be very pleased to hear your testimony.

STATEMENT OF ROBERT GRIESGRABER, EXECUTIVE DIRECTOR AND CHAIRMAN OF THE MINNESOTA CRIME CONTROL PLANNING BOARD

Mr. GRIESGRABER. Mr. Chairman, thank you very much.

I appreciate the opportunity to speak to you today on the matter of deferrals for implementing the Juvenile Justice Act through the Office of Juvenile Justice and Delinquency Prevention.

I think that I can best use my time and yours today if I talk about basically three things. One is our own situation within the State of Minnesota in terms of the rising crime rate and what juveniles represent in terms of that crime rate. The second is in terms of the budget crunch that we face within our State that impacts both the State and local units of government, cities and counties.

Second, I want to talk about the nature of the organizations that receive Juvenile Justice Act money to give you a better sense, and from your earlier comments I think you have a sense, of what kind of organizations receive these moneys and operate on them and are dependent on them and what a delay in getting the money would mean to them.

Third, I want to talk a little bit about the process we use within the State to award Federal Juvenile Justice Act money to the nonprofit organizations or county operations and what the impact would be in the case of a delay from the Federal Government.

First, within the State of Minnesota like the Nation we are experiencing an increase in crime. Our increase within our State is very consistent with the national averages in terms of the double digit rise in crime. Within our State by measuring arrests we know that juveniles account for about half of all serious crime within our State.

We have about 500,000 kids in our State between the ages of 10 and 17, and last year in 1980 we had somewhere in the area of 33,000 arrests of juveniles for part 1 and part 2 crime. People's concern about crime in our State is also growing and they perceive that the criminal justice system is not effective in dealing with it.

Just as in other States, there is a "get tough' approach emerging within legislatures, and in our 1979 and 1980 legislative session, laws were passed to make it easier to detain juveniles, to incarcerate juveniles and to transfer juveniles from juvenile court to adult court for prosecution.

Other bills have been introduced that would reduce judicial discretion and provide for stiffer penalties.

Senator SPECTER. Are you not being funded at the present time?

Mr. GRIESGRABER. We are being funded. The process that we use within our State to award Federal money depends upon, to a certain extent, that the Federal Government is on time with us in terms of giving us the money so that we can be on time in giving the money to the grantees for the projects.

Senator SPECTER. One question which is on my mind, are some programs not being funded now because of what is happening with the Justice Department interest in zeroing out the programs?

Mr. GRIESGRABER. What is happening is less direct than that. What is happening is that the programs are still being funded. What is happening is that the process that we use to award money is on hold. We have been on a sort of short string, almost a yo-yo in the sense of——

Senator SPECTER. Are you saying that there are current programs that are being funded but since you do not know what is going to happen in the future, the process is stopping, the pipeline is shutting down for future activities?

Mr. GRIESGRABER. The confidence level, Mr. Chairman, in terms of the people who support those projects or depend upon them by sending referrals to them, is down, and that causes, if the referrals dry up, the projects dry up. If staff feel they are not going to get funded in the next fiscal year, they are going to leave.

Senator SPECTER. Is staff leaving?

Mr. GRIESGRABER. Yes.

Senator SPECTER. And what do you anticipate to be the consequence unless we have a reversal of the Justice Department attitude?

Mr. GRIESGRABER. Mr. Chairman, unless there is a clear, direct reversal of the Justice Department attitude and the rumor about deferrals being the beginning of the end for OJJDP, then programs will simply die. They will shut down. There is no money locally or at the State level to pick up or even carry for a short time these kinds of projects. They are small, nonprofit corporations with one, two, or three staff. They are very vulnerable in that sense.

Senator SPECTER. Well, the essence of your views is that juvenile crime is tremendously important, that it is underfunded as it is, that this Federal program is a minimal approach and there have to be assurances that it is going to go forward if you are going to be able to function at all?

Mr. GRIESGRABER. Yes, sir.

[The prepared statement of Mr. Griesgraber follows:]

PREPARED STATEMENT OF ROBERT J. GRIESGRABER

Mr. Chairman, Distinguished Members of the Committee:

I appreciate the opportunity to address you on the matter of deferrals on spending monies to implement the Federal Juvenile Justice Act through the Office of Juvenile Justice and Delinquency Prevention (OJJDP). I realize that at this point in time, we are talking only about the Administration's possible intent to defer spending for OJJDP. However, the timing for testimony about the impact of a deferral is very appropriate I believe, so that the Congress is prepared to make the critical decisions that will have to be made in the event of a deferral.

As Executive Director of Minnesota's Crime Control Planning Board, the agency charged with administration of the Juvenile Justice Act, I can speak to the impact on Minnesota if the Administration defers spending for OJJDP. I should add, that I'm sure Minnesota's problems will not be unique if spending is deferred. I'm sure Juvenile Justice Act money is important throughout this country, to states, local units of government and to non-profit organizations. In very basic terms, if OJJDP money is delayed, some programs will not survive. All of them will be hurt. If OJJDP is cut entirely, most programs will die.

JUVENILE CRIME

In Minnesota, as with the nation as a whole, the crime rate is rising at double digit rates, and almost half of all crime is committed by juveniles. We have in our State, about 500,000 children between the ages of ten and seventeen, and in 1980, we recorded almost 33,000 arrests of juveniles, which accounted for 44.7 percent of all arrests for Part I and Part II crimes.

Just as in other States, juvenile crime primarily involves property offenses such as burglary, auto theft, and vandalism, however, we are seeing a disturbing increase in violent crimes by juveniles. People in Minnesota are disturbed by these numbers. In addition, they perceive that the criminal justice system is not effective in dealing with juvenile crime. In the last legislative session, our States juvenile code was changed to

reflect these concerns. It is now easier in terms of State law to detain juveniles, to incarcerate juveniles, and to transfer jurisdiction of juveniles from juvenile court to adult court.

RESOURCES TO COMBAT JUVENILE CRIME

While crime is rising, including juvenile crime, and people are more concerned than they have been since perhaps the late 1960's, the resources for responding to this problem are shrinking.

In our State, cuts from the Federal budget represent only one source of budget problems; our State budget and budgets at the county and city level are being cut to critical levels. I can think of no other time where Minnesota government - at all levels - have been required to cut budgets as deeply as we are witnessing now. Only late last week, State revenue projections indicated that more than $600 million would have to be cut from our 8 billion State budget just to end our current biennium with a balanced budget. About $200 million in cuts have already been made since the biennium started on July 1. That $8 billion State budget represents the smallest budget increase in two decades.

75 percent of our State budget are monies passed to local governments in the form of school aid, local government aid and property tax relief; therefore, local government will suffer because of the State budget crisis. In Ramsey County where I live and where our State Capitol is located, county officials project that property taxes will have to be raised at least by 40 percent, just for the county to provide for a reduced level of local services.

RISING CRIME AND SHRINKING RESOURCES

These statistics and numbers represent a crisis. There is no slack at either the State or local levels for projects currently funded by the Juvenile Justice Act, if Federal spending is delayed. These programs will not be picked up. It simply will not happen.

In our State, we currently have twenty projects operating on Juvenile Justice money (which totals about $900,000 per year). Those twenty projects

are spread throughout our State, and are responsible for serving over 3,000 juveniles. These programs range from small shelter care facilities and foster care programs, to restitution programs for victim reimbursement, serious offender programs, and specialized counseling programs for American Indians, for sex offenders, and for families experiencing problems with truancy, chemical dependency and running away.

All of these programs are small, with staff numbering two, three or four persons. They are labor intensive, and almost all are solely dependent upon money from OJJDP.

Most of these programs are relatively inexpensive, yet effective attempts at dealing with the problem of juvenile delinquency and most represent vital resources to the courts and communities they serve.

THE PROCESS PROBLEMS

I think it is important for you to understand the impact of delays or deferrals on the process established to award money for these programs within our State.

Once the federal government makes an award to our State, based on our application, we announce the availability of money to potential grantees. They submit their ideas and plans, they are reviewed and eventually the committees of our Board review the applications and award money.

The process is already in trouble, due to delays caused by the federal budget process. It first appeared that OJJDP would not receive a fiscal 1982 appropriation; then the program received support in Congress and our process began. Now, again there is doubt, and we have had to put our already confused process "on hold."

With a deferral, we will continue "on hold," which will cause projects who will run out of money to have to wait even if OJJDP eventually receives an appropriation. The process cannot be compromised or shortened for both substantive and political reasons. Therefore, a delay in getting word from OJJDP to begin our process, will cause delays in projects receiving their money, which will cause some programs to go out of business, and others to suffer.

SUMMARY

In a cutback mode, such as the State of Minnesota and local units of government within the State find themselves in, there is no possibility for programs funded with OJJDP money to be either "carried" or picked up by local funding. Even though these programs serve very real needs and are meeting objectives, there simply are no alternatives to the demise of federally-funded programs - even if there is only a delay in federal awards.

We are in a crisis situation. The days of huge state surpluses are gone. Private givers have sent clear messages that they cannot pick up even a small percentage of government-funded programs.

All the while, crime, and juvenile involvement in crime, continues to grow and concern citizens in some cases more than the economic issues they face.

Small non-profit organizations, such as those now supported by OJJDP money are the least able to afford cuts or delays. They are small, "hand-to-mouth" organizations without letters of credit or collateral to borrow against. They will have nowhere to turn, and it is the nature of their business, that despite need and quality of service, their demise can come very suddenly.

OJJDP dollars and leadership represent one of the few forces in juvenile justice that stimulate growth and innovation. With state and local retrenchment because of budget problems, OJJDP's presence and money assume more significance.

I urge the Congress to carefully consider these factors, in the event of a deferral or a cut to OJJDP. I thank you for the opportunity to provide this information to you.

Senator SPECTER. Ms. Dodge, we are pleased to hear from you.

STATEMENT OF DEIDRE DODGE, CHAIRPERSON OF THE JUVENILE JUSTICE SUBCOMMITTEE, NATIONAL ASSOCIATION OF COUNTIES, CRIMINAL JUSTICE AND PUBLIC SAFETY STEERING COMMITTEE

Mr. Chairman, I am Deidre Dodge, commissioner of St. Louis County, Minn., and chair of the Juvenile Justice Subcommittee of the National Association of Counties, Criminal Justice and Public Safety Steering Committee.

I would like to thank you for the opportunity to appear here to present testimony on the direct impact in our Nation's counties of an abrupt cutoff of funding for the Office of Juvenile Justice and Delinquency Prevention.

As you are well aware, counties are the prime deliverer of human services at the local level, particularly criminal justice, and juvenile justice. State and local governments in particular counties have been able to use past Federal juvenile justice funding as seed money with which to try promising programs in their areas. Without Federal funding many innovative programs would never even have been attempted. We simply do not have the resources to do that.

In a recent telephone survey of a cross-section of our county officials, we found out that some counties have picked up the cost of every successful experimental juvenile justice program that was initially funded by OJJDP. Jefferson County, Ky., has started seven juvenile programs in the past years and has picked up six because they are successful and still running.

Montgomery County, Md., has picked up almost 100 percent of its programs funded by OJJDP. The types of programs established with Federal money include counseling of runaway youth and their families, shelters, and outreach for boy and girl prostitutes, restitution programs, assistance to victims of juvenile crime, programs to train couples to care for status offenders and delinquents in their homes at a much cheaper rate than any kind of institutions, neighborhood centers for youths to get them off the street, and the list goes on and on.

In preparation for testifying here today before you, we did conduct a telephone survey to learn exactly how the abrupt termination of OJJDP funding would affect local juvenile justice programs. There are two chief reasons which would cause a severe detrimental impact.

No. 1, most county governments such as my own have already set their levies for 1982 and simply cannot afford to pick up those programs at this point with the other State and Federal cutbacks. Second, many of the counties are in highly depressed economic conditions and do not have the tax base to fund other than the mandated services.

As we all know, in Toledo, which is Lucas County, Ohio, virtually every social service program is in danger of being eliminated or has been drastically curtailed. What programs will be lost to juveniles and their communities? Here is but a small sampling, and I ask you to bear with me while I quote some statistics.

Senator SPECTER. Please don't. Just submit those for the record.

Ms. DODGE. All right. Let me just run through a list of areas that would be affected.

Senator SPECTER. Please don't. We understand that as well.

The question I am focusing on today is are you sustaining any adverse effects as a result of the Justice Department current policy?

Ms. DODGE. Yes; I believe we are.

Senator SPECTER. What are they? That is what the committee is interested in knowing at the moment.

Ms. DODGE. I guess the way I was responding to that in terms of our prepared statement is that the programs have been successful and we want to try to alleviate crime in other areas.

Senator SPECTER. I understand that the programs are necessary and the programs are successful, and we have come to that conclusion. The issue at the moment is are you suffering as a result of the Justice Department policy?

Ms. DODGE. Yes; we are.

Senator SPECTER. Would you address that for me?

Ms. DODGE. A prime example is in my own county, of which I can speak best. We are in a regional correctional system. We are dependent upon the $70,000 grant which takes care of juvenile restitution. Right now there is no money in the local levy next year for that. People who work with that program, employers who handle those kids are starting to pull back and say, hey——

Senator SPECTER. Have some people actually left the program?

Ms. DODGE. Yes; they have.

Senator SPECTER. All right. That is the sort of thing that is useful to me that I will take up with the Attorney General and the Deputy.

Ms. DODGE. I am sure the staff could answer your questions in any of the other areas of the country and provide you with that information.

Senator SPECTER. Fine.

[The prepared statement of Ms. Dodge follows:]

STATEMENT OF DEIDRE DODGE, CHAIR, JUVENILE JUSTICE SUBCOMMITTEE OF THE CRIMINAL JUSTICE AND PUBLIC SAFETY STEERING COMMITTEE AND COMMISSIONER, ST. LOUIS COUNTY, MINNESOTA, ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES* BEFORE THE UNITED STATES SENATE SUBCOMMITTEE ON JUVENILE JUSTICE OF THE COMMITTEE ON THE JUDICIARY ON THE IMPACT OF ELIMINATING FUNDING FOR THE JUVENILE JUSTICE AMENDMENTS OF 1980 (P.L. 93-415)

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM DEIDRE DODGE, COMMISSIONER OF ST. LOUIS COUNTY, MINNESOTA; AND CHAIR OF THE JUVENILE JUSTICE SUBCOMMITTEE OF THE NATIONAL ASSOCIATION OF COUNTIES' CRIMINAL JUSTICE AND PUBLIC SAFETY STEERING COMMITTEE, AND I APPEAR HERE TODAY TO PRESENT TESTIMONY ON THE IMPACT IN OUR NATION'S COUNTIES OF AN ABRUPT CUT-OFF OF FUNDING FOR THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

COUNTIES ARE THE KEY PROVIDERS OF CRIMINAL JUSTICE, JUVENILE JUSTICE, HEALTH CARE AND SOCIAL SERVICES, ALL OF WHICH PLAY A ROLE IN A COMMUNITY'S RESPONSE TO TROUBLED YOUTH AND JUVENILE OFFENDERS. COUNTIES ALSO PROVIDE RECREATION, EDUCATION AND EMPLOYMENT SERVICES FOR YOUNG PERSONS.

THE EXTENSIVE INVOLVEMENT OF COUNTY GOVERNMENT IN PROGRAMS FOR YOUTH HAS LED NACO TO VIGOROUSLY SUPPORT THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT SINCE IT WAS FIRST PROPOSED. IN THE FEW YEARS OF ITS EXISTENCE, OJJDP HAS HAD A SIGNIFICANT IMPACT ON THE JUVENILE JUSTICE SYSTEM IN THIS COUNTRY. MOST STATES HAVE REMOVED THEIR STATUS OFFENDERS FROM SECURE FACILITIES. OVER 30 STATES HAVE REVISED THEIR CODES TO PROVIDE FOR PROGRAMS AND SERVICES THAT MEET THE GOALS OF THE ACT.

AT THE SAME TIME, STATE AND LOCAL GOVERNMENTS HAVE BEEN ABLE TO USE FEDERAL JUVENILE JUSTICE FUNDING AS SEED MONEY WITH WHICH TO TRY PROMISING PROGRAMS IN THEIR JURISDICTIONS. WITHOUT FEDERAL FUNDING MANY INNOVATIVE PROGRAMS WOULD NEVER HAVE BEEN ATTEMPTED, EITHER BE-

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*THE NATIONAL ASSOCIATION OF COUNTIES IS THE ONLY NATIONAL ORGANIZATION REPRESENTING COUNTY GOVERNMENT IN THE UNITED STATES. THROUGH ITS MEMBERSHIP, URBAN, SUBURBAN AND RURAL COUNTIES JOIN TOGETHER TO BUILD EFFECTIVE, RESPONSIVE COUNTY GOVERNMENTS. THE GOALS OF THE ORGANIZATION ARE: TO IMPROVE COUNTY GOVERNMENT; TO SERVE AS THE NATIONAL SPOKESMAN FOR COUNTY GOVERNMENTS; TO ACT AS A LIAISON BETWEEN THE NATION'S COUNTIES AND OTHER LEVELS OF GOVERNMENT; AND TO ACHIEVE PUBLIC UNDERSTANDING OF THE ROLE OF COUNTIES IN THE FEDERAL SYSTEM.

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CAUSE OF LIMITED RESOURCES AT THE COUNTY LEVEL OR BECAUSE OF RESISTANCE FROM SOME ELEMENTS OF THE SYSTEM. IT HAS BEEN TRUE, IN SOME CASES, THAT THE ONLY REASON CERTAIN COUNTIES ESTABLISHED NEW JUVENILE JUSTICE PROGRAMS WAS THAT FEDERAL MONEY WAS AVAILABLE FOR THEM. WHAT THE FEDERAL MONEY DID WAS TO ALLOW THEM TO DISCOVER THAT MOST OF THESE EXPERIMENTAL PROGRAMS DID IMPROVE THEIR JUVENILE JUSTICE SYSTEMS.

IN A RECENT TELEPHONE SURVEY OF A CROSS-SECTION OF COUNTY OFFICIALS, WE FOUND THAT SOME COUNTIES HAVE PICKED UP THE COSTS OF EVERY SUCCESSFUL EXPERIMENTAL JUVENILE JUSTICE PROJECT THAT WAS INITIALLY FUNDED BY OJJDP. JEFFERSON COUNTY, KENTUCKY, HAS STARTED SEVEN JUVENILE JUSTICE PROJECTS WITH FEDERAL MONEY. OF THOSE, THE COUNTY HAS PICKED UP THE COSTS OF SIX, BECAUSE THEY COULD PROVE SUCCESS -- AND THEY ARE STILL RUNNING. THE OTHER PROGRAM WAS NOT PRODUCING RESULTS, SO THE COUNTY TERMINATED IT. MONTGOMERY COUNTY, MARYLAND, HAS PICKED UP ALMOST 100 PERCENT OF ITS PROGRAMS THAT HAD BEEN FUNDED BY OJJDP. THESE INCLUDED AN ALTERNATIVE COMMUNITY SERVICE PROGRAM AND PROGRAMS TO DIVERT CERTAIN YOUNGSTERS FROM THE JUVENILE JUSTICE SYSTEM.

THE KINDS OF PROGRAMS ESTABLISHED WITH FEDERAL MONEY INCLUDE COUNSELING OF RUNAWAY YOUTH AND THEIR FAMILIES; SHELTERS AND OUTREACH FOR BOY AND GIRL PROSTITUTES; PROGRAMS TO MATCH STATUS OFFENDERS AND DELINQUENTS WITH AVAILABLE LOCAL RESOURCES; RESTITUTION PROGRAMS; ASSISTANCE TO VICTIMS OF JUVENILE CRIME; PROGRAMS TO TRAIN COUPLES SO THEY CAN CARE FOR STATUS OFFENDERS AND DELINQUENTS IN THEIR HOMES; NEIGHBORHOOD CENTERS FOR YOUTHS, THAT OFFER A PLACE TO CONGREGATE OTHER THAN THE STREETS, AS WELL AS RECREATION AND COUNSELING; PROGRAMS TO FIND WORK FOR PRE-DELINQUENT AND DELINQUENT JUVENILES; DRUG TREATMENT PROGRAMS; AFTER-SCHOOL PROGRAMS FOR 8- TO 12-YEAR-OLD CHILDREN WHO ARE CONSIDERED HIGH RISKS TO BECOME DELINQUENT; AND PROGRAMS TO PROVIDE EDUCATION, TRAINING AND EMPLOYMENT TO SERIOUS JUVENILE OFFENDERS.

IN PREPARATION FOR THIS TESTIMONY, NACO CONDUCTED THE TELEPHONE SURVEY TO LEARN HOW THE ABRUPT TERMINATION OF OJJDP FUNDING WOULD AFFECT LOCAL JUVENILE JUSTICE PROGRAMS. NOT SURPRISINGLY, COUNTY OFFICIALS GAVE US EXAMPLES OF SUCCESSFUL PROGRAMS THAT WOULD HAVE TO BE TERMINATED, IF FEDERAL FUNDING ENDED ABRUPTLY.

RESPONDENTS GAVE TWO REASONS THAT AN ABRUPT TERMINATION OF FUNDING WOULD HAVE A SEVERELY DETERIMENTAL IMPACT. IN SOME CASES, SUCH

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AS ORANGE COUNTY, CALIFORNIA, COUNTY GOVERNMENTS WOULD NOT HAVE ADEQUATE TIME TO INCORPORATE JUVENILE JUSTICE PROGRAM COSTS INTO THEIR BUDGETS. IN OTHER CASES, SUCH AS LUCAS COUNTY (TOLEDO), OHIO, THE LOCAL ECONOMY, AND, THUS, THE TAX BASE FOR THE LOCAL GOVERNMENTS, IS IN SUCH A DEPRESSED CONDITION, LOCAL OFFICIALS COULD NOT AFFORD TO PICK UP THE COSTS OF THE FEDERALLY FUNDED PROGRAMS. IN TOLEDO, VIRTUALLY EVERY SOCIAL SERVICE PROGRAM HAS BEEN DRASTICALLY CURTAILED, AND THE CITY IS DOWN TO CUTTING FIRE AND POLICE.

WHAT PROGRAMS WILL BE LOST TO JUVENILES AND THEIR COMMUNITIES? HERE IS A SMALL SAMPLING:

ARANSAS, BEE, LIVE OAK, MCMULLEN AND SAN PATRICIO COUNTIES

THESE FIVE RURAL COUNTIES IN SOUTHERN TEXAS HAVE A TOTAL OF 110,000 PEOPLE IN 4,000 SQUARE MILES. THEY HAVE TWO MULTI-COUNTY PROGRAMS:

- A $22,000 PROGRAM TREATS 150 TO 200 STATUS OFFENDERS ANNUALLY. TWO JUVENILE PROBATION OFFICERS PROVIDE INTENSIVE SUPERVISION AND COUNSELING TO YOUNG OFFENDERS AND WORK WITH THEIR FAMILIES. THE OFFICERS GET THEIR REFERRALS FROM SCHOOLS AND LAW ENFORCEMENT AGENCIES.

- A $24,000 PURCHASE OF SERVICES PROGRAM SHOWS THE ACKNOWLEDGMENT BY LOCAL OFFICIALS THAT CERTAIN NEEDED SERVICES ARE NOT AVAILABLE IN RURAL AREAS: OFFICIALS USE THE FUNDING TO PURCHASE DIAGNOSTIC EVALUATIONS, FAMILY COUNSELING, BEDSPACE FOR CRISIS INTERVENTION OR TEMPORARY SHELTER, AND SOME LONG-TERM PLACEMENT IN A COTTAGE SETTING FOR DELINQUENTS AND STATUS OFFENDERS TAKEN OUT OF THEIR HOMES.

BALTIMORE COUNTY, MARYLAND

- A $25,000 PROGRAM PROVIDES ASSISTANCE TO ABOUT 1,300 VICTIMS OF JUVENILES ANNUALLY. THE VICTIMS ARE PROVIDED WITH INFORMATION ON THE JUDICIAL SYSTEMS AND GIVEN REFERRALS TO SOCIAL SERVICE PROGRAMS.

- FOR AN $80,000 NON-RESIDENTIAL CARE PROGRAM, PARENTS ARE TRAINED SO THE COUPLES CAN PROVIDE CARE FOR DELINQUENTS IN THEIR HOMES. SIXTY-FIVE COUPLES HAVE BEEN TRAINED.

- THE NORTHEAST MARYLAND SHELTER CARE PROGRAM PROVIDES TEMPORARY SHELTER FOR JUVENILES AWAITING PLACEMENT. THESE KIDS DON'T REQUIRE SECURE DETENTION OR RESIDENTIAL SHELTER, SO THE PROGRAM PROVIDES INTERMEDIATE BEDSPACE FOR THEM UNTIL THEY CAN BE PLACED IN APPROPRIATE PLACEMENT.

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DADE COUNTY (MIAMI), FLORIDA

• A PROGRAM OPERATING OUT OF THE MIAMI POLICE DEPARTMENT TAKES REFERRALS ON RUNAWAY YOUTH. STAFF WORK WITH THE JUVENILES FAMILIES AND SCHOOLS AND LINK THE KIDS TO OTHER AGENCIES THAT SERVE YOUTH. IF THIS PROGRAM IS TERMINATED, THE ONLY FORMAL LINK BETWEEN THE POLICE AND SOCIAL SERVICE AGENCIES WOULD BE GONE. MOREOVER, OTHER FUNDING CUTBACKS HAVE RESULTED IN THE CLOSING OF ALL BUT ONE DADE COUNTY YOUTH SHELTER.

DENVER, COLORADO

• THE CHRYSALIS PROGRAMS PROVIDES RESIDENTIAL TREATMENT FOR ABOUT 20 JUVENILE PROSTITUTES ANNUALLY. THEY ACCEPT ONLY GIRLS WHO VOLUNTARILY SEEK ASSISTANCE. IN ADDITION, THE PROGRAM PROVIDES OUTREACH COUNSELING TO 1,800 BOY AND GIRL PROSTITUTES WHO ARE ON THE STREETS. GETTING THEM OFF THE STREETS REDUCED CERTAIN CRIMES. OFTEN PROSTITUTES WERE INVOLVED IN ROBBING THEIR CUSTOMERS. RESEARCH IN DENVER HAS SHOWN A HIGH CORRELATION BETWEEN PROSTITUTION AND BURGLARIES AND ROBBERIES. ALSO THE KIDS OFTEN HANG AROUND STORES LOOKING FOR CUSTOMERS AND BECOME INVOLVED IN SHOPLIFTING.

AN ANALYSIS OF JUVENILE ARRESTEES FOR PROSTITUTION AND SOLICITATION OVER THE LAST TWO YEARS SHOWED THAT 60 PERCENT WERE WHITE, MOST IN THE 15 TO 17 YEAR OLD RANGE, 85 PERCENT WERE RUNAWAYS AND 95 PERCENT HAD BEEN SEXUALLY ABUSED PRIOR TO BECOMING PROSTITUTES.

THE PROGRAM COSTS ABOUT $300,000, WITH $140,000 COMING FROM THE FEDERAL GOVERNMENT AND $161,000 FROM FIVE LOCAL FOUNDATIONS. OFFICIALS USED THE AVAILABILITY OF THE FEDERAL MONEY TO PERSUADE THE FOUNDATIONS TO SUPPORT THE PROGRAM. PROGRAM OFFICIALS ARE CONCERNED THAT, WITHOUT CONTINUED FEDERAL ASSISTANCE FOR CHRYSALIS, IT WILL NOT BE ABLE TO ESTABLISH THE TRACK RECORD NECESSARY TO PERSUADE THE STATE TO FUND IT THROUGH THE DEPARTMENT OF SOCIAL SERVICES.

JEFFERSON COUNTY (LOUISVILLE), KENTUCKY

• IN ORDER TO KEEP ABOUT 100 STATUS OFFENDERS OUT OF DETENTION, THE COUNTY CONTRACTS WITH PRIVATE CITIZENS TO PROVIDE HOMES FOR THESE CHILDREN. THE PROGRAM TRAINS TWO COUPLES SO THEY ARE ABLE TO KEEP UP TO FOUR CHILDREN WHO HAVE BEHAVIORAL PROBLEMS. THE COUNTY JUVENILE JUSTICE COORDINATOR TOLD US, "WHAT THIS PROGRAM OFFERS US IS AN OPPORTUNITY TO STABILIZE KIDS LIVES. IF THEY CONTINUES TO EXPERIENCE FAILURE, WE FIND THEY OFTEN TURN TO CRIME. THE

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ALTERNATIVE TO THESE HOMES IS THROWING KIDS IN WITH DELINQUENTS IN DETENTION FACILITIES THAT BREED CRIME."

° A RESTITUTION PROJECT HAS HAD AN 80 PERCENT SUCCESS RATE. THIS MEANS 80 PERCENT OF THE JUVENILES WHO HAVE BEEN IN THE PROGRAM HAVE HAD NO SUBSEQUENT ADJUDICATION AS A MINOR OR ADULT AS OF LAST FRIDAY.

THE COORDINATOR HAD SOME INTERESTING STATISTICS ABOUT ARREST RATES IN JEFFERSON COUNTY AND LOUISVILLE: TOTAL ARRESTS WENT UP 9.56 PERCENT FROM 1977 TO 1980. DURING THE SAME PERIOD JUVENILE ARRESTS DECLINED 4.98 PERCENT.

LUCAS COUNTY (TOLEDO), OHIO

° A RESIDENTIAL DRUG TREATMENT PROGRAM TREATS YOUTHS FOR ABOUT SIX MONTHS TO ASSIST THEM TO DEVELOP ALTERNATIVE HIGHS, SUCH AS RECREATION AND MOTIVATION.

° ANOTHER DRUG TREATMENT PROGRAM COUNSELS ABOUT 150 CHILDREN A YEAR. THE COUNTY HAS TRACKED THESE JUVENILES AGAINST A CONTROL GROUP AND FOUND IT'S HAD A SIGNIFICANT EFFECT.

° A PROGRAM PROVIDES SHELTER FOR RUNAWAY AND THROWAWAY YOUTH FOR UP TO 14 DAYS. DURING THE TIME THE CHILD IS IN RESIDENCE, SHELTER STAFF PROVIDE A PLAN FOR THE CHILD ONCE HE OR SHE IS RELEASED. THEN COUNSELORS WORK IN BIWEEKLY FOLLOW-UP SESSIONS WITH ABOUT 400 YOUTHS AND THEIR FAMILIES ANNUALLY TO KEEP POSITIVE MOVEMENT, STARTED IN THE SHELTER, GOING.

WAYNE COUNTY (DETROIT), MICHIGAN

FUNDS FOR THE SECOND HALF OF $2 MILLION WORTH OF PROGRAMS WERE TO COME FROM THE 1982 APPROPRIATIONS.

° $490,000 IN 1982 FUNDS ARE TARGETED FOR THE SECOND HALF OF A PROGRAM TO DIVERT 10 PERCENT (600) OF OUR FIRST AND SECOND OFFENDERS WHO COMMITTED CRIMES INCLUDING BURGLARY, LARCENY AND AUTO THEFT.

OTHER PROGRAMS AFFECTED:

° AN $83,000 PROGRAM SEEKS TO MATCH 700 DELINQUENTS AND 2000 NEGLECT ABUSE WARDS WITH AVAILABLE RESOURCES OF INSTITUTIONAL AND RESIDENTIAL PROGRAMS.

- A PROGRAM DEVELOPS ALTERNATIVES FOR THE 20 STATUS OFFENDERS A MONTH NOW HELD IN SECURE DETENTION.
- A HALF MILLION DOLLARS EACH FROM 1981 AND 1982 FUNDS HAS BEEN EARMARKED AS A CARROT TO SPUR DEVELOPMENT OF A FIVE-YEAR PLAN FOR OVERALL JUVENILE JUSTICE SYSTEM MANAGEMENT AND ADJUSTMENT TO ECONOMIC SET BACKS.

(IT HAS BEEN ESTIMATED THAT THERE IS A 60.8 PERCENT UNEMPLOYMENT RATE AMONG DETROIT TEENAGERS.)

WE HAVE MORE INFORMATION ON AFFECTED PROGRAMS THAT NACO WILL SUBMIT FOR THE RECORD.

CONCLUSION

PROGRAMS THAT ARE IN THE PROCESS OF PROVING THEMSELVES WILL NOT BE THE ONLY CASUALTIES OF THE CUT-OFF OF OJJDP FUNDS. OFFICIALS FROM URBAN COUNTIES REPORTED THAT THEY HAD BEEN HOPING TO USE FY 1982 FUNDS FOR INNOVATIVE PROGRAMMING TO DEAL WITH SERIOUS AND VIOLENT YOUTHFUL OFFENDERS. THEY WELCOMED THE OJJDP GUIDELINE THAT RECOMMENDED 30 PERCENT OF BLOCK GRANT FUNDS BE DEVOTED TO THESE JUVENILES. PROGRAMS DIRECTED TOWARD THIS CLASS OF OFFENDER ARE DESPERATELY NEEDED IN URBAN AREAS.

IT IS IRONIC THAT IN THIS TIME OF RECESSION AND UNEMPLOYMENT--TWO CONDITIONS SHOWING A HIGH CORRELATION TO RISING CRIME RATES--THE REAGAN ADMINISTRATION CUTS BACK IN PROGRAMS THAT HELP PREVENT AND RESPOND TO CRIME. IT SEEMS TO ME, IT IS CRITICAL WE DEAL WITH JUVENILES WHO HAVE ALREADY COMMITTED SERIOUS CRIMES. AT THE SAME TIME, WE ALSO MUST CONTINUE FUNDING PROGRAMS TO PREVENT YOUNG PEOPLE FROM ENTERING THE JUVENILE JUSTICE SYSTEM. AT THE VERY LEAST WE SHOULD ATTEMPT TO REDUCE THE LIKELIHOOD CHILDREN WILL REENTER THE SYSTEM, ONCE THEY'VE HAD THEIR FIRST CONTACT.

WHY ARE THESE PROGRAMS FOR YOUTH SO IMPERATIVE? BECAUSE CHILDREN ARE OUR MOST VALUABLE RESOURCE, AND THE FUTURE OF OUR COUNTRY RESTS IN THEIR HANDS.

Senator SPECTER. Dr. William Christian. Welcome to the hearing today. We are pleased to hear from you.

STATEMENT OF DR. WILLIAM CHRISTIAN, VOLUNTEER EMERGENCY FOSTER CARE PROGRAM, RICHMOND, VA.

Dr. CHRISTIAN. Thank you very much, Senator Specter.

I am a field person that goes around the State of Virginia developing emergency shelter care programs for status offenders. I wish to speak to you as a person who is in the trenches and doing this kind of work day to day.

The day before yesterday I was meeting with juvenile court officials in a small mountain town in Virginia, and they told me the story of a 17-year-old girl who recently came to their police station, lonely, afraid, tired of running away, and yet strangely enough, she wanted to go home to her father who had threatened to kill her if she did not have sex with him. She was afraid to go home but decided this was the lesser of two evils.

It was determined she had no previous record. They could not make contact with the family, so the only option that this local juvenile court had was to transport this girl 100 miles to a secure detention facility, and she spent a week in secure detention with seriously delinquent offenders because court service officials didn't know what else to do with her.

Why should she be detained for her father's violence to her? This, I submit, is still the reality far too often in my State for status offenders and troubled youth. Several weeks ago while in northern Virginia, just right across the Potomac, I heard one court service official tell me that a 16-year-old boy who came to the police station was told to get back on Interstate 95 at night and thumb home: We don't have anywhere to put you and we don't want to lock you up.

Senator SPECTER. What is the answer, Dr. Christian?

Dr. CHRISTIAN. The answer is contained in our brochure. Don't give up on them. That is the answer.

Senator SPECTER. You cannot send them to your brochure.

Dr. CHRISTIAN. I would like to tell you a little bit about what we are doing and how this is hurting us. If we do not get the 1982 funding we were counting on, we will be out of business by next February or March. That is how critical it is.

Senator SPECTER. How much funding were you getting?

Dr. CHRISTIAN. We were getting $60,000. This was seed funding. We have been developing funding from the private sector. That is on a long-range basis. We were counting on OJJDP funding for another year or two.

Senator SPECTER. How successful have you been in getting funding from the private sector?

Dr. CHRISTIAN. You see, what I think we fail to realize is that the private sector is now in a very confused state. When I apply for foundation grants, what I am getting back is, well, we need to wait and see, and see how the dust falls. They are not giving out funds as much as they were. They want to see where things are going. So it has been harder for us to get private sector funds, but we have been successful in getting this kind of seed funding. But we cannot. This leaves a big gap.

Senator SPECTER. So the answer is you have not been successful in getting private funding?

Dr. CHRISTIAN. No, we have been, but not enough to sustain the level of the program.

Senator SPECTER. How much?

Dr. CHRISTIAN. About 10 to 20 percent of our program has been private seed funding.

Senator SPECTER. $6,000 to $12,000?

Dr. CHRISTIAN. That is right, per year. We were a brandnew program that in the last 15 months has established 16 programs throughout Virginia, already served over 90 youths, saving the taxpayers of Virginia.

Senator SPECTER. Serving how many?

Dr. CHRISTIAN. Already serving over 90 youths, and we have already saved the taxpayers of Virginia over $17,000 because these are volunteer and trained families.

Senator SPECTER. What effect has the current Justice Department policy been having on your operation?

Dr. CHRISTIAN. We have about 50 families from the religious and civic community that want to be trained. We are now having to spend so much time in fundraising that we cannot get these families trained. That means it is hurting——

Senator SPECTER. You are currently being funded?

Dr. CHRISTIAN. Yes; we are currently being funded.

Senator SPECTER. So the question is whether you are going to be funded for the future.

Dr. CHRISTIAN. That is correct.

Senator SPECTER. When does your funding run out?

Dr. CHRISTIAN. Our funding runs out at the end of this year.

Senator SPECTER. December 31?

Dr. CHRISTIAN. That is right. And then that's it. We can take our six to twelve thousand and go another couple of months and that is it. But this model volunteer program, right in line with the administration's policy of volunteerism, is about to get thrown out, the baby with the bath water.

Senator SPECTER. Where do you send the young people whom you are trying to help?

Dr. CHRISTIAN. They are processed through court and social service on a local level and they are sent to one of our emergency shelter care families through juvenile court.

Senator SPECTER. That is a volunteer operation?

Dr. CHRISTIAN. It is completely volunteer all the way through except for three paid professionals that criss-cross the State and keep the volunteer network alive.

Senator SPECTER. How many volunteers do you have?

Dr. CHRISTIAN. We have over 400 in our State when you count local community leaders, lawyers, court service people, families. We have gotten the State of Virginia excited about this volunteer program and we need to keep it going. I think the alternative will be, if OJJDP is not funded, in 5 years they will be building 5 or 6 residential care facilities at a half-million dollars apiece when our volunteer network can do the same thing for much less money.

Senator SPECTER. Thank you very much.

[The prepared statement of Dr. Christian follows:]

PREPARED STATEMENT OF DR. WILLIAM E. CHRISTIAN

I am, Dr. William E. Christian; Executive Director of the Volunteer Emergency Foster Care of Virginia (VEFC). V.E.F.C. is a non-profit statewide organization funded by JJDP which provides short-term shelter care for troubled youth who have come to the attention of local criminal justice or social service officials. V.E.F.C. recruits and trains completely volunteer shelter care families to provide their homes as an alternative for troubled youth. The young people served by this program might otherwise be held in secure detention or jail facilities if this program were not available.

During 1980, through the use of JJDP grant funds, we have been able to establish programs in 16 local jurisdictions in Virginia. In these local programs a very cooperative relationship has developed between the Juvenile Court, local citizens and other community agencies. In each locality there are between five and ten volunteer families who open up their homes to troubled youth. Our program recruits these families, provides pre-service and in-service training and on-going support for the maintainance of the local volunteer network. In each of these local jurisdictions, the Court and Social Service agencies have approved each family for service and actively participated in this program. In the past fifteen months over 100 families have been trained, and over 90 children have been diverted from the justice system and placed in volunteer homes.

To continue our program and respond to the requests for our service from ten additional localities, we desperately need 1982 JJDP funding. We have been aware that there has been some question as to the future of the JJDP program, and as a result, we have made serious efforts to look for other funding resources. The reality is, and the main reason I am appearing before you today, is that if JJDP funds are not available to us soon, we know of no other funding source which could replace this loss and allow us to continue our vitality needed service. Not only has the search for alternative funding been time consuming, it has seriously affected the program's ability to provide these needed services. We need your help now!

It is my firm belief that for a very small investment of JJDP monies, a program has been launched which is having the affect of providing quality care at much less cost than other alternatives. It seems ironic to me that the quality of our project and it's cost benefits may be lost only to be replaced with much more expensive "bricks and mortar" programs. Can you imagine the expense to the taxpayer to develop residential facilities that will equal the child care capacity of our network of volunteer homes.

The JJDP Act program is needed in my State, not only for my project but for many others. Thank you for the opportunity to appear before you and I will be happy to answer your questions.

Mr. Robbie Callaway, executive director, National Youth Work Alliance.

We are pleased to hear from you.

STATEMENT OF ROBBIE CALLAWAY, EXECUTIVE DIRECTOR, NATIONAL YOUTH WORK ALLIANCE

Mr. CALLAWAY. Thank you for inviting me to testify. I am Robbie Callaway, executive director of the National Youth Work Alliance, and also the chairman of the National Ad Hoc Juvenile Justice Coalition here in the District of Columbia.

I am obviously not going to read through this prepared text. I would like to comment on that little bit of applause you heard here when you came back from the Appropriations Committee and said $70 million. I think a lot of people didn't know the protocol of applauding, but I think everyone in the room wanted to strongly applaud your efforts.

I continuously applaud your efforts. I think you have done a fantastic job chairing this subcommittee and the many things you have done for juvenile justice. Your staff has also been excellent and deserves much credit. I think coming in the way you have, showing such leadership, we cannot give you enough praise.

Senator SPECTER. Thank you very much.

Mr. CALLAWAY. This piece of legislation, the Juvenile Justice and Delinquency Prevention Act has been an effective piece of legislation since 1974. It has dealt with status offenders, serious crime and serious juvenile offenders. The Justice Department may tell you it has not. Let me emphasize that it has dealt with status offenders and serious offenders. It has dealt with both since 1974.

I think I would be negligent at this time if I did not also mention about the staff of the Office of Juvenile Justice. Charlie Lauer, the Acting Administrator, came into a difficult situation. He obviously has to listen to what the Justice Department says about wanting to kill the program. He has done a very good job in the interim trying to hold things together, and attempt to move forward. The staff, which is an expert staff, has to deal with the overbearing threat of r.i.f.'s, the threats of the budget uncertainty, and the lack of support from the Department.

When I was asked to testify, I was asked about programs throughout the country that are failing because of the Justice Department policy of deferred spending. I contacted a number of programs in a number of States. Most of the people operating these programs do not know what deferrals are, they do not know about second budget resolutions, they do not know about appropriations. They do not know about these terms but they do know about programs for young people and their families.

In Alabama they told me that the largest juvenile justice programs in the State are in danger of folding if Congress does not act soon. In Massachusetts all juvenile justice programs will suffer and three-fourths will likely be close by February 1 if Congress has not done something to spur on the Justice Department.

In Arizona, four Indian tribe and family shelter centers will be closed. Three group homes in Michigan are about to phase out right now because of the uncertainty. In New Jersey, 15 nonsecure facilities are in serious trouble and a proposed serious juvenile offender program has been indefinitely delayed.

I found that in a number of States they were saying the same thing. The new juvenile justice act places more emphasis on serious offenders, yet we cannot start this until the money is there. The Justice Department is holding up the money, as they express concerns about crime.

In Ohio they told me that between October 31 and December 1, 11 projects will close down due to the inaction of the Justice Department. That will include programs in the rural areas as well as shelter care treatment centers.

In Utah they told me many programs are already suffering. They don't want to commit money in Utah unless they have a firm commitment from the Justice Department. The city shelter programs and the big brother and big sister programs are very close to extinction because of the inaction.

In Washington State, the victim compensation program, two restitution programs and a diversion program are currently in serious jeopardy as the budgetary inaction continues.

Closer to home right here in Maryland, I am on the Maryland Governor's Juvenile Justice Advisory Committee, since 1975 when I was appointed by the Governor. I am therefore very familiar with the programs in Maryland. There are seven programs there that

between December and February will close if the Justice Department does not soon act: the Northeast Transportation Corps, Structured Shelter Care at Maryland Childrens Center, community detention, shelter care in Western Maryland, Montgomery County's Family Assessment Unit and Montgomery County's Central Intake Units. These two programs were mentioned in the NACO testimony. As she said, Montgomery County in the past has picked up 100 percent of the juvenile justice programs, that were initially federally sponsored. These two programs will not be picked up by Montgomery County if the Justice Department does not act. If the Department acts now they may be picked up next year, but now the county has its own problems. The Justice Department has to act now.

The victim assistance program is the seventh program that will close. Let me tell you a little bit about this one. It was created out of a need to respond to the victim of juvenile crime. When a person is a victim of juvenile crime, The first person they usually see is a policeman. The next person they see is the victim assistance unit worker. That person tells them what is going to go on in the juvenile court, explains to them what the whole system is all about, and also may provide special emergency assistance.

Say a woman has her purse snatched, an elderly woman, and her social security check was in her purse. This victim assistance unit will among other things help her get emergency social security assistance. It is a very active program. It will die in February if the Justice Department doesn't start to act.

You asked about good staff leaving programs. They have already lost a number of their good staff because the people just cannot hang around through the uncertaintly. Right now it is too tough an economic time for people to hang around thinking that their funding is possibly going to run out in February. Good people are offered other jobs and they will leave.

Senator SPECTER. Do you have personal knowledge that some people are leaving?

Mr. CALLAWAY. Yes, I do.

Senator SPECTER. How many?

Mr. CALLAWAY. Two of their staff from that program have already left and another one has a job on the line, and that is out of a staff of six people.

The other thing, the victim assistance unit was going to set up a community outreach program that victims have asked for. They cannot do that.

That is pretty much it. Because of time I will not go on.

[The prepared statement of Mr. Callaway follows:]

Prepared Statement of Robbie Callaway

Mr. Chairman and members of the Subcommittee, I would like to thank you for inviting me to testify on a matter of such importance as the continuation of the Juvenile Justice and Delinquency Prevention Act (JJDPA). I also want to thank you for your outstanding efforts on behalf of juvenile justice.

My name is Robbie Callaway and I am the Executive Director of the National Youth Work Alliance. The Alliance is one of the largest membership organizations of youth service agencies in the country, representing over 1,200 locally controlled agencies. Established as a private non-profit organization in 1973, we now serve member public and private youth service providers working in nearly every area affecting young people and their families. Some of the areas are juvenile justice and employment, education, recreation, alcohol abuse, drug abuse, running away, adolescent pregnancy, and residential care.

I am also the Chairman of the ad hoc Juvenile Justice Coalition with a membership of over 25 major national organizations. These organizations range from the National PTA Association to the American Legion. The majority of these organizations receive little or no funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Another hat I wear is the Vice Chairman of the Maryland State Juvenile Justice Advisory Group. This group of 30 citizens and professionals is appointed by the Governor. Every state that participates in the JJDPA has a similar State Advisory Group. The National Steering Committee of State Juvenile Advisory Groups strongly endorses maintaining at least a $77 million funding level for the JJDPA.

I. Why am I here?

Today I come before you as someone who truly believes in the Juvenile Justice and Delinquency Prevention Act. I have seen what it has accomplished in the past and I envision the possibilities created by its December 1980 4-year reauthorization.

II. What has the Act accomplished?

There has been some form of federal intervention in juvenile justice since 1961 when Congress passed the Juvenile Delinquency and Youth Offenses Control Act. This program, administered by the Department of Health, Education, and Welfare (HEW), provided $47 million over six years for pilot programs in high crime innercity areas.

Then in 1968, as part of a response to violent crime, Congress passed the Juvenile Delinquency Prevention and Control Act. This Act broadened previous efforts by establishing a block grant program in HEW. After 6 years of frustra-

tion and failure, the program was allowed to expire as Congress was looking toward a new program to address a growing problem.

In 1974, the new approach to juvenile justice was to be called the Juvenile Justice and Delinquency Prevention Act. Congress recognized that the program needed to be placed in the Justice Department and broadened it to include both block and special emphasis grants. These grants would extend the scope of assistance from alternative programs to the formal institutions and mechanisms of the juvenile justice system.

The major goal of this new Act was that the Justice Department would provide assistance to state and local governments and private non-profit agencies to improve the juvenile justice system. A major problem to be addressed was the overload of the system. There were simply too many young people who had committed no crime clogging up the juvenile justice system. These "status offenders" (runaways, truants, incorrigibles, etc.) were not committing crimes but yet in 1975 over 200,000 of them were confined in juvenile detention facilities. This was not only inappropriate treatment, but also diverted limited resources and personnel away from the juveniles who were breaking the law.

The JJDPA sought to address this problem by helping states remove the status offenders from these secure facilities and developing more appropriate responses to their behavior. This would in turn allow the juvenile justice system to more adequately address the more serious juvenile offender.

By 1979, the number of status offenders in secure detention had dropped to under 50,000. This is clearly the result of a strong JJDPA. Some progress has also been made in decreasing the number of total cases processed in juvenile court from 1,406,100 in 1975 to 1,340,000 in 1978.

A. Other accomplishments include:

1. All but six states are actively participating in the Act.
2. 40 of these states and territories are in substantial compliance with the removal of status offenders from secure facilities.
3. 17 states report full compliance and 24 others report progress toward the separation mandates of the Act.
4. Over 30 states have amended their statutes to come into compliance with the JJDPA.
5. fraining for juvenile justice personnel has improved dramatically with specialized training for juvenile court judges, police, and service providers.

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III. What Happens Next?

A. If the JJDPA has accomplished all of these great things, why should it need to be continued? Consider these statistics:

1. Young people ages 10-17 comprise 15% of the total U.S. population yet commit a disproportionate amount of crime.
2. In 1979 - 2,143,369 juveniles were arrested.
3. Juveniles constituted 22.5% of all arrests.
4. Juveniles accounted for 43.5% of all arrests for property offenses.
5. Juveniles accounted for 20.1% (87,375 arrests) of all arrests for violent crime.
6. Juveniles accounted for 31.5% of all robberies.
7. Juveniles accounted for 15.5% of all aggravated assaults.
8. Juveniles accounted for 9.3% of all murders.

B. When the JJDPA was reauthorized in 1980, Congress added new emphasis which would attempt to respond to these alarming statistics. This new emphasis on serious and violent crimes will be particularly geared toward improving sentencing, informed dispositions, and effective rehabilitation.

Another response to this serious crime problem is the new provision calling for the removal of children from adult jails within five to seven years. Congress realizes that many of these children are abused in these jails and many others simply use these jails as schools for learning more serious delinquent behavior.

C. Congress also accomplished some fine tuning of the JJDPA during this reauthorization. Included among the new changes:

1. Three year plans will now be required instead of the previous annual plans. This decrease in paperwork will free up more program funds.

2. A loosening of the requirements of deinstitutionalization by permitting the detention of status offenders who violate valid court orders. This provision will increase participation of many states and help alleviate compliance problems experienced in some states.

3. A strenghtening of the role of the Governor-appointed state juvenile justice advisory groups. These citizen and professional committee members help insure active state involvement in the juvenile justice program.

IV. Summary

A. When contacted to testify before this subcommittee I was asked what impact the budgetary delays were having on state and local juvenile justice programs. Having already heard many horror stories from across the nation I set out to do a quick phone poll to update my information. The following brief sample of what I heard should give some idea of the severity of the problems.

Alabama - The largest juvenile justice programs in the state are in danger of folding if Congress does not act soon. The Southeast Youth Service Bureau in Dothen, the central Alabama Youth Services Bureau in Selma, and the Coosa Valley Regional Juvenile Justice Programs will fold if action is not taken soon. In addition to these major programs there are several group homes and other programs, including state operated services, that are in danger of extinction.

Massachusettes - All juvenile justice programs will suffer and 3/4 will close if Congress does not act by February 1. This includes school vandalism programs that have been successful but cannot sustain even a 1 month funding delay. Proposition 2 ½ adds an additional burden in Massachusettes.

Arizona - There are four Indian tribe and Family Shelter Centers that will not be able to hold out much longer.

Michigan - Three group homes in Wayne County are close to phase out.

New Jersey - Fifteen nonsecure facilities are in serious trouble. A proposed serious juvenile offender program has been indefinitely delayed.

New York - A badly needed initiative on serious juvenile offenders has been delayed. Many programs are in danger if funds are not available by January.

Ohio - Between October 31 and December 1 eleven projects will close down due to the inaction. These projects range from rural programs to the shelter care treatment centers.

Utah - Many programs are already suffering. The city shelter programs and Big Brother/Big Sister programs ar subject to extinction.

Washington State - The Victim Compensation Program, two restitution programs and a diversion program are in serious jeopardy as budgetary inaction continues.

B. These examples give a good idea as to the havoc that is being created. Let us examine in more detail what is happening in Maryland due to these budgetary delays.

There are currently seven programs that will no longer be in existence if Congress does not soon act to appropriate adequate juvenile justice funding.

1. Northeast Transportation Corps
2. Shelter Care in Maryland Childrens Center
3. Community Detention in Harford County
4. Shelter Care in Western Maryland
5. Montgomery County Family Assessment Unit
6. Montgomery County Central Intake Unit
7. Victim Assistance Program

Let us look more closely at number seven and what function it performs.

The Victim Assistance Unit was created out of a need to respond to the victims of juvenile crime. This highly acclaimed program lessens the trauma of victimization. Currently the program in Prince Georges County is serving 100 victims a month. After a victim contacts the police the Victim Assistance Unit contacts the victim. The victim is then given a full explanation of the juvenile justice system and exactly what will occur. The victim is informed of all legal steps including the rights of restitution and appeal. Special circumstances are attended to by the Unit.

For example, say an elderly woman has her purse snatched. In her purse was her social security check. Besides just informing her of the system the Victim Assistance Unit will help her obtain emergency social security benefits.

From this program victims have expressed a need for an outreach program. In Prince Georges County there will be no outreach program even though all the steps are in place.

Why? Because the Victim Assistance Unit will fold up in February if Congress does not act soon. The Unit cannot in good conscious begin a community outreach program now and fold in February.

C. Practically speaking if I was operating a juvenile justice program on the local level, which I have done, I would be very concerned about its future. My program could be the best program in the country, and assured of getting continuation funding when Congress finally acts. If there would be two months between the time Congress acts and the time my funding expires, I could convince my staff to volunteer their time until the funding arrives. It would be a lot harder to convince my rental agent, the phone company, the equipment leasing company, and all of the other creditors that I will surely receive funding when Congress gets around to finalizing the budget.

My program would be forced to close.

V. CONCLUSION

Senator Spector, members of this Subcommittee, I urge you to act with all deliberate speed to bring about some resolution of this problem. Many states anxiously await the opportunity to begin the new programming ideas that were brought about in the 1980 reauthorization of the Juvenile Justice and Delinquency Prevention Act. Recent CBS-TV specials point out the need to respond to the Serious Juvenile Offender and their victims. The system needs to move ahead into the eighties. It needs your help.

We thank you for your efforts already displayed during this 97th Congress. We need you to continue them with vigor.

Senator SPECTER. Thank you very much, Mr. Callaway.

I thank you very much, ladies and gentlemen. We are going to leave the record open because there will be some questions which will be submitted to the Department of Justice for response.

I want you to stay in touch with us on how your programs are evolving. We are going to do our best to get Justice on the track of continuing the funding. The appropriations bill will be on the Senate floor within the course of the next week or two, and I am optimistic that the $70 million figure will stand up.

In the absence of deferrals, these programs are entitled to be funded, but the information you have provided here is very helpful and I shall be discussing it later today. As I say, there is a social event, there is a swearing in of assistant attorneys general of the Justice Department which will provide an opportunity for me to discuss this with Mr. Smith and Mr. Schmultz.

Thank you all very much for coming, and again, our apologies for keeping you waiting.

[Whereupon, at 12:35 p.m. the hearing was concluded.]

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